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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,892	06/25/2003	Michelangelo Bergia	Q76258	2291

7590 01/19/2005  
SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT PAPER NUMBER

3618

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/602,892

Applicant(s)

BERGIA, MICHELANGELO

Examiner

Christopher Bottorff

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on April 16, 2004 was considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nadeau et al. US 6,705,623.

Nadeau et al. disclose a supermarket trolley comprising a base 2, 10 made of molded plastic material with wheels 72 and a support 8 formed integral with the base 2, 10. See Figures 8 and 10; and column 5, lines 57-62. The base includes two lateral

Art Unit: 3618

uprights 10 connected superiorly by a transverse bar 52. See Figure 8. A basket container 24, also made of molded plastic material, is connected at an end to the two lateral uprights 10. See Figures 8 and 14 and column 4, line 65, through column 5, line 1. The two lateral uprights 10 of the base and the ends of the basket 24 have respective mutually facing surfaces formed with substantially comb like formations 90 that are mutually complementary and are meshed following a relative coupling motion between the basket 24 and the base 2, 10 along a direction of coupling when the trolley is assembled. See Figures 13 and 14.

The two lateral uprights 10 and the end of the basket 24 are formed with tongue and groove elements 92, 94 designed to engage each other as a result of the meshing between the comb like formations 90. See Figures 13 and 14. The tongue and groove elements 92, 94 include, for each upright 10, a pair of respectively upper 92 and lower 94 seats designed to house a pair of corresponding upper 92 and respectively lower 94 projections of the basket 24. See Figures 13 and 14. The comb like formations 90 comprise a plurality of parallel projections generally elongated in the direction of coupling, and the elongated projections are slightly inclined relative to the direction of coupling. See Figures 13 and 14 and column 6, lines 53-57. The base 2, 10 and the basket 24 are capable of being mutually locked relative to the direction of coupling by means of the transverse bar 52. See Figures 8 and 15. Also, the basket 24 is open in correspondence with the end. See Figure 14.

The trolley further includes a child seat assembly 70 applied in correspondence with the open end of the basket 24 by means of said transverse bar 52. See Figure 15.

The base 2, 10 has a double "L" configuration whose vertical branches constitute the uprights 10 and whose horizontal branches are interconnected by a front transverse member and support a bearing plane 78. See Figures 8 and 17. The end of the basket 24 includes a pair of elongated elements, which face uprights 10 and accommodate comb like formations 90 and projections 92 and 94, with respective legs projecting underneath the basket 24. See Figure 14.

### ***Allowable Subject Matter***

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 11 defines the direction of coupling of the present invention as being substantially parallel to the uprights. The direction of coupling in the invention of Nadeau et al. is substantially perpendicular to the uprights. The prior art does not teach a direction of coupling, in combination with the further limitations of the claims, that is substantially parallel to the uprights of a trolley.

### ***Conclusion***

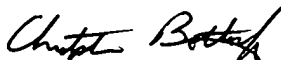
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Salvador, Rehrig US 4,746,134, Jones, Rehrig et al. US 5,368,318, de Luna US 5,613,696, Nishida, Mainard, Segura de Luna US 5,915,704, Symons, Murar et al. US 2002/0135144 A1, Nadeau et al. US 6,540,240, Murar et al. US 6,761,364, Rehrig EP 0 161 890 A2, Silzer, and Paly disclose supermarket trolleys..

Art Unit: 3618

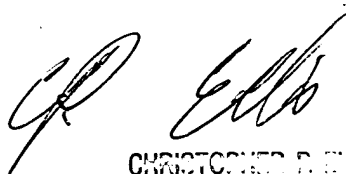
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher Bottorff



CHRISTOPHER R. ELLIS  
SUPERVISOR, PATENT EXAMINERS  
TECHNOLOGY CENTER